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ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

Note by the Executive Secretary

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I. INTRODUCTION

A. Mandate

1. Article 8.2 of the Convention provides that the functions of the secretariat shall be, *inter alia*, "to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required".

2. At its third session, held from 1 to 11 December 1997, the Conference of the Parties (COP), by its decision 5/CP.3, decided that the fourth session of the Conference of the Parties (COP 4) would be held within the period of 2 to 13 November 1998, at Buenos Aires in Argentina (FCCC/CP/1997/7/Add.1). In this connection, it will be recalled that the subsidiary bodies are also scheduled to meet within that sessional period.

B. Scope of the note

3. The Executive Secretary has consulted the Bureau before submitting the present note to the Subsidiary Body for Implementation (SBI). Section II of the note contains information on organizational arrangements for COP 4, and provides a list of possible elements for a provisional agenda for that session of the Conference. Section III contains proposals on the calendar of meetings for 2000 and 2001. Section IV deals with the date and venue of the fifth session of the Conference (COP 5).

C. Possible action by the Subsidiary Body for Implementation

4. Guidance is invited from the SBI on the matters raised in this note, in particular on:

(a) The possible elements of a provisional agenda for COP 4;

(b) Consultations on the composition of the Bureau for COP 4;

(c) The organization of the work of COP 4, including meetings of the subsidiary bodies, a high-level segment and a general debate as part of that segment;

(d) The calendar of meetings of Convention bodies in 2000-2001;

(e) A recommendation to COP 4 on the date and venue of COP 5.

II. FOURTH SESSION OF THE CONFERENCE OF THE PARTIES (COP 4)

A. Host country arrangements

5. By its decision 5/CP.3, the COP at its third session (COP 3) requested the Executive Secretary to conclude a host country agreement with the Government of Argentina on arrangements for COP 4. Discussions are under way with the host Government on matters to be covered by the agreement. Additional information arising from the discussions will be conveyed orally to the SBI during its eighth session.

B. Possible elements for the provisional agenda for COP 4

6. Rule 9 of the draft rules of procedure of the COP and its subsidiary bodies being applied provides that, "in agreement with the President, the secretariat shall draft the provisional agenda of each session". A list of possible elements for a provisional agenda for COP 4 has been prepared, after consultation with the Bureau, and is contained in the annex to this document. Most of the elements of the provisional agenda for COP 4 are also on the agendas of the subsidiary bodies for the current session. This should permit substantive progress to be made in preparing for COP 4.

7. The secretariat has organized the agenda elements in five main groups:

(a) Organizational and procedural matters;
(b) Reports from the subsidiary bodies of the Convention on their work;
(c) Convention implementation issues;
(d) Matters related to the Kyoto Protocol;
(e) Administrative and financial matters.

8. In addition, an element entitled "voluntary commitments by non-Annex I Parties" has been included following the request of Argentina that this item be included in the provisional agenda of COP 4 (see rule 10, paragraph (d) of the draft rules of procedure being applied).

9. It may be necessary to include in the provisional agenda an item on the review of the institutional linkage of the Convention secretariat to the United Nations in case any recommendation on United Nations reform that touches upon the functioning of the Convention secretariat needs to be considered by the COP. Such an item would be included under the heading "administrative and financial matters". Views expressed will be taken into account by the secretariat in drafting the provisional agenda.

C. Organizational matters

1. Participation

(a) Notification and attendance

10. Rule 5 of the draft rules of procedure being applied provides that "the secretariat shall notify all Parties of the dates and venue of a session at least two months before the session is held" (FCCC/CP/1996/2). Formal notification of the fourth session of the COP will be communicated in due course to all Parties through the diplomatic missions in Bonn, or the permanent missions in New York of Parties not represented in Bonn, or the ministries of foreign affairs of Parties not represented in Bonn or New York, as well as to States not parties to the Convention. The notification will request that the representatives of Parties be provided by their Governments with full powers to participate in the session, including the possibilities to vote and to serve as officers of the fourth session and of any sessional bodies, and as officers of the subsidiary bodies established by the Convention.

11. In accordance with Article 23 of the Convention, States that are not Parties and that wish to participate in COP 4 as Parties, from the opening day (2 November 1998), should deposit their instruments of ratification or accession by 3 August 1998 at the latest. Such instruments should be received by that date by the Secretary-General of the United Nations as Depositary of the Convention.

(b) Financial support for participation

12. As at previous sessions of the COP, and depending on the availability of funding, the secretariat hopes to offer funding to: (a) two delegates from each Party that is a least developed country or an eligible small island developing State; and (b) one delegate from each other Party that fulfils the eligibility criterion for funding and that has paid its contributions for 1996 and 1997. It is to be hoped that contributions to the Trust Fund for Participation in the UNFCCC Process will be forthcoming in the next few months so that funding will be available for each eligible Party to attend COP 4.

(c) Credentials

13. In accordance with rule 19 of the draft rules of procedure being applied, the credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat not later than twenty-four hours after the opening of the session. Any later change in the composition of the delegation shall also be submitted to the secretariat. The credentials shall be issued either by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization. The Bureau of COP 4 shall examine the credentials and submit its report to the Conference (see rule 20 of the draft rules of procedure being applied). It should also

be noted that representatives shall be entitled to participate provisionally in the session, pending a decision by the COP to accept their credentials (see rule 21 of the draft rules of procedure being applied).

2. Rules of procedure

14. As the Conference of the Parties was not able to adopt its rules of procedure at its third session, the President of COP 3 ruled during the third session that the draft rules of procedure as contained in document FCCC/CP/1996/2 should continue to be applied with the exception of draft rule 42. The Conference also decided that the adoption of the rules of procedure should be placed on the agenda for COP 4. The President indicated that if he sensed a move towards a compromise on the issue, he would undertake further consultations, possibly on the margins of the June 1998 sessions of the subsidiary bodies, and report back to the COP at its fourth session.

3. Officers

15. Rule 22 of the draft rules of procedure being applied provides that "at the commencement of the first meeting of each ordinary session, a President, seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the session. Each of the five regional groups shall be represented by two Bureau members and one Bureau member shall represent the small island developing States. The offices of President and Rapporteur shall normally be subject to rotation among the five regional groups." Draft rule 22 being applied further states that "no officer may serve on the Bureau for more than two consecutive terms of one year."

16. The President of COP 3 will open and preside over COP 4 until it has elected a President for the session (see rules 23 and 26 of the draft rules of procedure being applied). The hosting of a session of the COP away from the headquarters of the secretariat traditionally confers the presidency upon the host Government. The delegation of Argentina has indicated its readiness to accept that responsibility which is also consistent with the principle of rotation among regional groups. Further consultations will be required to determine the composition of the Bureau of COP 4, as well as the officers of the subsidiary bodies as appropriate. The SBI may wish to invite the President of COP 3 to pursue informal consultations on the election of officers for COP 4.

17. The elected President of the fourth session will invite the Conference, at its first meeting, to elect the remainder of its officers and the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention. Rule 27 of the draft rules of procedure being applied provides that "each subsidiary body shall elect its own Vice-Chairman and Rapporteur". It is proposed that, if there is agreement on the nominations for these officers of subsidiary bodies, the precedent of the first session be followed and the provisions of rule 27 be waived to allow

these officers to be elected directly by the Conference in plenary session. In the absence of such an agreement, the subsidiary bodies will be invited to elect their remaining officers.

4. Admission of organizations as observers

18. The admission of intergovernmental and non-governmental organizations as observers is governed by Article 7.6 of the Convention, which provides, *inter alia*, that "any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object."

19. Following the practice of the UNFCCC, the secretariat will invite those intergovernmental and non-governmental organizations accorded observer status at COP 1, COP 2 or COP 3 to attend COP 4. Thus the procedure for admission to the COP will apply to new applicants only and to those organizations which received accreditation at COP 3 for attendance only.

20. The secretariat will prepare a list of intergovernmental and non-governmental organizations that have expressed a wish to be admitted to COP 4 for consideration by the Conference at the start of the session. In drawing up the list, the secretariat will take due account of the provisions of Article 7.6 and of the established practice whereby non-governmental organizations are required to furnish proof of their non-profit (tax-exempt) status in a State Member of the United Nations or of a specialized agency or of the International Atomic Energy Agency. The list will include all organizations that have requested and been accorded provisional admission to the work of the subsidiary bodies since COP 3.

21. In accordance with past practice the SBI may request the COP Bureau to consider the list of applicants prior to the session, with a view to establishing that the organizations contained in the list do meet all requirements, and to authorize the secretariat to advise those applicants of their "pre-admittance status", on the understanding that the final authority for the admission of observers rests with the COP.

5. Organization of work

(a) Opening of the session

22. At the opening plenary meeting on 2 November 1998, statements will be made by the outgoing President of the third session of the Conference, the newly-elected President of the fourth session and the Executive Secretary. In addition there may be one or more addresses of welcome. It is proposed that these be the only statements at the opening of the session. In addition, the first plenary meeting will also take up a number of organizational matters such as those listed in the annexed possible elements of the provisional agenda.

(b) Allocation of tasks

23. The detailed substantive work of the Conference is not normally conducted in plenary. It would seem appropriate for the fourth session of the COP to address the various items on its agenda by allocating these items, whenever possible, to the two subsidiary bodies. Certain items may not be within the purview of either of the subsidiary bodies and could be allocated to the President or a Vice-President for informal consultations or to a contact group.

24. The SBI may wish to suggest to COP 4 that it consider the items on its agenda in plenary session, on the basis of either draft decisions submitted to it by the subsidiary bodies, or progress reports from the same bodies that clearly indicate where further action by the COP would be needed. Should further work prove necessary on any given item after the subsidiary bodies have adjourned their sessions, the COP may wish to delegate such work, as appropriate, to contact groups.

(c) Schedule of meetings

25. The COP would open in plenary session on Monday, 2 November 1998, and then, after dealing with the organizational and procedural items, hand over to the subsidiary bodies. The Chairman of the Ad Hoc Group on Article 13 plans to complete the work of the Group at the June session. This would allow the SBI and the Subsidiary Body for Scientific and Technological Advice (SBSTA) more time to complete their work and report to the COP. In the afternoon of Friday, 6 November 1998, a plenary meeting of the COP would be convened to hear status reports from the Chairmen of the subsidiary bodies and to take stock of what has been achieved. The subsidiary bodies would conclude their work on Tuesday, 10 November, after which the high-level segment would be convened. The final plenary on 13 November would take action on draft decisions and progress reports submitted to it by the subsidiary bodies.

26. In order to accommodate the heavy burden of work facing the Conference and the two subsidiary bodies, it is planned that services will be available for two parallel meetings with interpretation in the mornings, afternoons and some evenings of the sessional period, 2-13 November 1998, including on Saturday, 7 November. The number of meetings taking place simultaneously would be limited to two.

(d) High-level segment

27. The high-level segment of the session attended by ministers and other heads of delegation would be convened from 11 to 13 November 1998 and, as at COP 3, will provide an opportunity for general statements by heads of delegation and for their participation in the negotiation of any issues left unresolved by the subsidiary bodies.

28. As was the practice adopted at COP 3, the heads or senior officials of intergovernmental organizations and selected non-governmental organizations will be allowed to address the plenary of the COP during the general debate. The secretariat will need timely guidance on these matters in order to make the necessary arrangements.

III. CALENDAR OF MEETINGS

29. At its third session, the Conference of the Parties adopted the following calendar of meetings of Convention bodies in 1998-1999:

(a) First sessional period in 1998: from 2 to 12 June in Bonn;

(b) Second sessional period in 1998: from 2 to 13 November, in Buenos Aires including COP 4;

(c) First sessional period in 1999: from 31 May to 11 June; and

(d) Second sessional period in 1999: from 25 October to 5 November including COP 5.

30. Because of the need to reserve commercial conference facilities in Bonn and to book United Nations conference services well in advance, as well as the usefulness to Parties and the secretariat of planning the calendar of meetings, initial guidance is sought from the SBI on the calendar of meetings in the next biennium. The calendar for 1998-1999 was drawn up by the secretariat following the request from the SBI to propose a calendar of meetings based on holding two sessions of the Convention bodies each year, each session comprising two weeks of meetings (FCCC/SBI/1997/6, para. 47 (b)). Dates for the two sessional periods for meetings of the Convention bodies in 2000 will be proposed by the secretariat at the eighth session of the SBI.

31. The SBI may wish to take into account the possibility that the Kyoto Protocol will enter into force in the period 2000-2001, and that the Conference of the Parties to the Convention would start to serve as the meeting of the Parties to the Kyoto Protocol in that period.

32. In considering the calendar of meetings, Parties are also faced with a new element. The General Assembly, in its decision 52/445 of 18 December 1997, paragraph (b), decided "to invite, beginning in the year 2000, the Conferences of the Parties to the Conventions signed at the United Nations Conference on Environment and Development or established as a result of the Conference, as well as other Conventions relating to sustainable development, to take all appropriate measures to avoid convening their sessions and those of their subsidiary bodies during the sessions of the General Assembly".

33. The implication of this decision is that Convention bodies could never meet in the period from mid-September until the end of the year, leaving effectively an 8-month period available for the planning of meetings of Convention bodies. Furthermore, this limited 8-month period would have to suffice for scheduling the meetings of other Convention bodies also, making the scheduling considerably more difficult. Finally, an inevitable consequence of complying with the above General Assembly decision would be that the second sessional period in each calendar year would inevitably have to be during August, and consequently the first sessional period in January or February. Meetings during these months would be difficult to organize due to their proximity to holiday periods in Germany.

34. Based on the above, the SBI is invited to provide guidance to the secretariat, whether it should prepare the calendar of meetings on an 8- or a 12-month year basis.

35. Based on initial guidance received from the SBI on the above issue, and taking into account the calendar of other relevant meetings and the availability of conference services, the secretariat will prepare detailed proposals for the calendar of meetings for the Convention bodies in 2000-2001 by the ninth session of the SBI in November 1998.

IV. DATE AND VENUE OF THE FIFTH SESSION OF THE CONFERENCE OF THE PARTIES

A. Date

36. Article 7, paragraph 4 of the Convention provides that ordinary sessions of the COP shall be held every year unless otherwise decided by the Conference of the Parties. Accordingly, COP 5 should take place in 1999 unless otherwise decided by the Parties. The calendar of meetings adopted at COP 3 includes a sessional period from 25 October to 5 November 1999 and COP 5 could be convened during that period. A decision on this matter will be necessary at COP 4.

37. In accordance with decisions adopted at previous sessions, the COP is required to take action on certain issues by the end of 1999, hence the need for a session of the Conference of the Parties to be convened in 1999. The COP decisions calling for further action by 1999 include the following:

(a) Activities implemented jointly under the pilot phase (decision 5/CP.1, paragraph 3): a "conclusive decision" on the pilot phase and the progression beyond that is to be taken not later than the end of the present decade;

(b) Institutional linkage of the Convention secretariat to the United Nations (decision 14/CP.1, paragraph 4): to be reviewed not later than 31 December 1999 in consultation with the Secretary-General, with a view to making such modifications as may be considered desirable by both Parties; and

(c) Programme budget for the biennium 2000-2001 (decision 15/CP.1, annex, paragraphs 3 and 4), to be adopted by consensus prior to the commencement of the period that it covers.

B. Venue

38. Rule 3 of the draft rules of procedure being applied states that "sessions of the Conference of the Parties shall take place at the seat of the secretariat, unless the Conference of the Parties decides otherwise or other appropriate arrangements are made by the secretariat in consultation with the Parties" (FCCC/CP/1996/2).

39. Since the planning of sessions away from headquarters takes time for both the host Government and the secretariat, the SBI may wish to encourage any potential host Government for COP 5 to come forward with an offer that could be considered by the SBI at its eighth session or by COP 4. Such an offer would have to include an assurance that the host Government would cover the incremental costs of meeting away from Bonn. Parties interested in hosting COP 5 are invited to communicate their interest to the secretariat by June 1998. The SBI may also wish to consider setting a final deadline of 3 November 1998 for the submission of offers to host COP 5.

40. The hosting of a session of the COP away from the secretariat's headquarters traditionally confers the presidency upon the host Government. In the context of the rotation of the presidency among the five regional groups, it will be the turn of the Group of Eastern European States to provide the presidency for COP 5.

Annex

FOURTH SESSION OF THE CONFERENCE OF THE PARTIES: POSSIBLE ELEMENTS FOR A PROVISIONAL AGENDA

1. Opening of the session:

   (a) Statement by the President of the Conference at its third session;
   (b) Election of the President of the Conference at its fourth session;
   (c) Statement by the President;
   (d) Addresses of welcome;
   (e) Statement by the Executive Secretary.

2. Organizational matters:

   (a) Status of ratification of the Convention and the Kyoto Protocol;
   (b) Adoption of the rules of procedure;
   (c) Adoption of the agenda;
   (d) Election of officers other than the President;
   (e) Admission of organizations as observers;
   (f) Organization of work;
   (g) Calendar of meetings of Convention bodies (1999-2001);
   (h) Date and venue of the fifth session of the Conference of the Parties;
   (i) Adoption of the report on credentials.

3. Reports of subsidiary bodies: action on conclusions and guidance on future work:

   (a) Report of the Subsidiary Body for Scientific and Technological Advice;
   (b) Report of the Subsidiary Body for Implementation;
   (c) Report of the Ad Hoc Group on Article 13.

4. Implementation of the Convention:

   (a) Review of information communicated under Article 12:

      (i) National communications from Parties included in Annex I to the Convention;
      (ii) Initial national communications from Parties not included in Annex I to the Convention;

   (b) Financial mechanism:

      (i) Report of the Global Environment Facility to the Conference;
      (ii) Review process referred to in decision 9/CP.1;

(c) Development and transfer of technologies;
(d) Activities implemented jointly: review of progress under the pilot phase;
(e) Second review of the adequacy of Article 4.2(a) and (b);
(f) Review of information and possible decisions under Article 4.2(f);
(g) Implementation of Article 4.8 and 4.9 of the Convention;
(h) Other matters relating to implementation: scientific and methodological aspects of proposal by Brazil.

5. Matters related to the Kyoto Protocol:

(a) Matters related to decision 1/CP.3, paragraph 5:

(i) Land-use change and forestry;
(ii) Joint implementation;
(iii) Clean development mechanism;
(iv) Emissions trading;
(v) Impact of single projects on emissions in the commitment period.

(b) Matters related to decision 1/CP.3, paragraph 6: preparations for the first session of the Conference of the Parties serving as the meeting of the Parties to the Protocol.

6. Voluntary commitments by non-Annex I Parties [1]

7. Administrative and financial matters:

(a) Arrangements for administrative support to the Convention;
(b) Income and budget performance:

(i) Financial performance in the biennium 1996-1997;
(ii) Initial report on financial performance in the biennium 1998-1999;

(c) Scale of contributions to the core budget.

8. High-level segment attended by ministers and other heads of delegation.

9. Other matters.

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[1] Requested by Argentina under rule 10 (d) of the draft rules of procedure being applied.

10 Conclusion of the session

(a) Adoption of the report of the Conference of the Parties on its fourth session.
(b) Closure of the session